



City of
Peterborough

Committee of Adjustment Minutes

July 4, 2017

Minutes of a Meeting of Committee of Adjustment held on Tuesday, July 4, 2017 at 6:00 p.m. in the Council Chambers, City Hall.

Present: Mr. Mauro DiCarlo, Chair (arrived 6:11 p.m.)
Mr. Claude Dufresne
Mr. Len Lifchus
Mr. Frank Steffler

Regrets: Ms. Brenda Campbell

Also Present: Ms. Caroline Kimble, Planner, Land Use
Ms. Jennifer Sawatzky, Secretary-Treasurer

Mr. Len Lifchus, Vice-Chair, called the Committee of Adjustment to order at 6:06 p.m.

The Committee held a moment of silence in remembrance of Paul Dorris, member of the Committee of Adjustment between 1998 and 2015 and Chair of the Committee of Adjustment between 1999 and 2015.

Disclosure of Pecuniary Interest

There were no disclosures of Pecuniary Interest.

Mr. Mauro DiCarlo arrived at 6:11 p.m. and assumed the chair.

- File No.:** B08/17
Address: 269 Edinburgh Street
Applicant: Colin Darling, Darling Design Services

This matter relates to a Consent application for severance submitted by Colin Darling, Darling Design Services, 233 King George Street, Peterborough, Ontario K9J 1R7, as applicant on behalf of the owner, Brad Sproule, and the agent, Doug Rose, of 269 Edinburgh Street, Peterborough, Ontario K9H 3E5.

This application was adjourned from the Committee of Adjustment meeting held on June 6, 2017. The adjournment was intended to permit City Staff and the Applicant an opportunity to review the revised recommendation from the Peterborough Architectural Conservation Advisory Committee, as received on June 6, 2017.

The applicant revised the application since June 6, 2017 and is now proposing to sever the easterly portion of the subject property along the former lot line to re-create the lots as established prior to the lots being merged and consolidated in title.

Mr. Rose and Mr. Darling attended the meeting and addressed the Committee as follows:

- Following the June 6, 2017 meeting, the application was revised to relocate the proposed line of severance. The revised application proposes to re-establish the lot line that existed between 269 Edinburgh Street and the former 265 Edinburgh Street prior to the lots being consolidated. Mr. Rose also indicated that this severance should not be subject to rezoning.

Ms. Caroline Kimble, Planner, Land Use, presented Staff comments with respect to the application on behalf of the Building and Planning Divisions of the Planning & Development Services Department, City of Peterborough.

Further to the three letters of objection read into the record at the June 6, 2017 hearing, no one spoke in objection to the application and no written objections were received.

Decision

The Committee heard from members of the public on June 6, 2017, concerning the original application, and gave due consideration and weight to the comments made and received.

The Committee reviewed the proposed conditions of the Consent to Sever and noted that Condition No. 3 recommended in the Staff Report should be amended to require that, in addition to the proposed severed parcel and road widening, the Draft Reference Plan should illustrate the encroachment of the dwelling into the Edinburgh Street right-of-way.

In that the severed and retained properties would conform to the Official Plan policy and comply with the Zoning By-law, consent is granted to sever the easterly 35.18 metres of the subject property to re-establish the former property line, CONDITIONAL UPON THE FOLLOWING:

- i) **The owner shall convey a 5.0 metre by 5.0 metre road widening at the northeast corner of the severed parcel, at the intersection of Edinburgh Street and Bethune Street, to the City of Peterborough at no cost;**
- ii) **The owner shall, paying all fees required, enter into an Encroachment Agreement with the City of Peterborough, which will recognize the existing encroachment of the dwelling into the Edinburgh Street right-of-way.**
- iii) **Prior to registering the reference plan at the applicant's cost, the applicant shall submit for approval a draft reference plan to Legal Services showing the proposed severed parcel including road widening and the encroachment of the dwelling into the Edinburgh Street right-of-way. Upon registration of the reference plan, two copies of the registered reference will be provided to Legal Services;**
- iv) **That the applicant provide the Secretary-Treasurer with a draft of the Transfer/Deed of Land; and**
- v) **All conditions shall be satisfied within 365 days of the circulation of the Committee's decision, otherwise this Consent Application will lapse.**

2. **File No.: A27/17
Address: 382 McDonnel Street
Applicant: Kristina Wilson-Furnandiz**

This matter relates to a application for Permission submitted by Kristina Wilson-Furnandiz, 17 Cardinal Road, Ennismore, Ontario K0L 1T0, as applicant on behalf of 2118672 Ontario Limited, 400 McDonnel Street, Peterborough, Ontario K9H 2X4, the owner of the property that is the subject of the application.

The purpose of the application is to obtain Permission for a “Pet Grooming” use as a similar use to a “Personal Service Establishment” permitted under the SP.65 –Special Commercial Zoning District within the existing commercial building on the subject property.

Ms. Wilson-Furnandiz attended the meeting and addressed the Committee as follows:

- She is seeking Permission from the Committee to consider a Pet Grooming use as a like use to a Personal Service Establishment use permitted by the zoning district.

Ms. Caroline Kimble, Planner, Land Use, presented Staff comments with respect to the application on behalf of the Building and Planning Divisions of the Planning & Development Services Department, City of Peterborough.

No one spoke in objection to the application and no written objections were received.

Decision

The Committee received no comment or presentation from members of the public concerning the application and thus made its decision on the basis of the Staff Report and the application.

Having reviewed the application and considered the information presented both in the Staff Report and presentation, the Committee determined that the proposal meets the intent and objectives of the Official Plan and the Zoning By-law and should be approved as per the Staff Recommendation.

Therefore, Permission is granted to permit a Pet Grooming use as a use considered similar to the Personal Service Establishment use permitted under the Special District 65 Zoning District.

3. **File No.:** **A28/17**
 Address: **109 Benson Avenue**
 Applicant: **Ann MacLeod**

This matter relates to a Minor Variance application submitted by Ann MacLeod, 22 Manning Avenue, as applicant on behalf of John Cameron MacLeod, 109 Benson Avenue, the owner of the property that is the subject of the application.

The purpose of the application is to reduce the minimum required building setback from the street line from 6 metres to 3.2 metres and to reduce the minimum required building setback from the west side lot line from 1.2 metres to 1.0 metre to allow the construction of a new single storey detached garage on the subject property.

Ms. MacLeod attended the meeting and addressed the Committee as follows:

- The owner of the property would like to replace the existing garage with a new garage in approximately the same location. Variances to the regulations of the Zoning By-law are required to permit the garage to be located closer to the street line and the westerly lot line than is currently permitted.

Ms. Caroline Kimble, Planner, Land Use, presented Staff comments with respect to the application on behalf of the Building and Planning Divisions of the Planning & Development Services Department, City of Peterborough.

No one spoke in objection to the application and no written objections were received.

In response to questions from the Committee, the applicant advised as follows:

- The proposed garage will be constructed with a slightly greater setback from the westerly lot line than the existing garage. The owner of the neighbouring property has no objections to the current or proposed location.

- She is unable to meet the existing setback requirements due to the configuration of the small corner lot.

Decision

The Committee received no comment or presentation from members of the public concerning the application and thus made its decision on the basis of the Staff Report and the application.

Having reviewed the application and considered the information presented both in the Staff Report and presentation, the Committee determined that the application should be approved as per the Staff Recommendation and that the Variances are minor, the proposal is desirable for the appropriate development or use of the land, and the general intent and purpose of the Zoning By-law and Official Plan are maintained.

Therefore a Variance is granted to reduce the minimum required building setback from the street line to 3.2 metres and to reduce the minimum required building setback from the west side lot line to 1.0 metre to allow the construction of a new single storey detached garage on the subject property CONDITIONAL UPON the expansion of the driveway alongside the garage to facilitate an additional parking space, to be demonstrated on a site plan to be submitted with the Building Permit for the garage.

4. **File No.: A29/17**
Address: 576 Harvey Street
Applicants: Jennifer Gleeson and Fraser Smith

This matter relates to a Minor Variance application submitted by Jennifer Gleeson and Fraser Smith, 576 Harvey Street, Peterborough, Ontario K9H 3L2, the owners of the property that is the subject of the application.

The purpose of the application is to reduce the minimum required building setback from the south side lot line from 1.2 metres to 0.6 metres to allow the reconstruction of a garage with a second storey addition on the subject property.

Mr. Smith and Ken Trevelyan, architect, 104 Dublin Street, Peterborough, Ontario K9H 3A9 attended the meeting and Mr. Trevelyan addressed the Committee as follows:

- The existing garage is in poor condition and located in close proximity to the property line. The owners are proposing to replace the garage with a new two storey structure consisting of a ground level garage and a second storey addition to the living space of the dwelling, to be located two feet from the property line.
- If the garage was constructed on the existing footprint it would be required to be constructed from non-combustible materials due to the proximity of the lot line. The proposed setback will allow for more affordable options for the homeowners. The garage will be an extension to the dwelling and represents an improvement to the property and the neighbourhood.

Ms. Caroline Kimble, Planner, Land Use, presented Staff comments with respect to the application on behalf of the Building and Planning Divisions of the Planning & Development Services Department, City of Peterborough.

The Chair read a letter of support from Paul Brown, 98 London Street, Peterborough, Ontario K9H 2Y3.

Decision

The Committee heard from members of the public concerning the application and gave due consideration and weight to the comments made and received.

Having reviewed the application and considered the information presented both in the Staff Report and presentation, the Committee determined that the application should be approved as per the Staff Recommendation and that the Variance is minor, the proposal is desirable for the appropriate development or use of the land, and the general intent and purpose of the Zoning By-law and Official Plan are maintained.

Therefore a Variance is granted to reduce the minimum building setback from the south side lot line to 0.6 metres to permit the reconstruction of a garage and second storey addition to the existing property PROVIDED THAT it can be demonstrated that any alterations to the existing lot grading will not adversely impact the adjacent properties.

Minutes

Moved by Claude Dufresne

That the minutes of the Committee of Adjustment hearing held on June 6, 2017 be approved.

“CARRIED”

Other Business

Moved by Frank Steffler

That the Committee of Adjustment consider amending meeting procedure to remove the requirement to open the meeting with the playing of the national anthem at the October 3, 2017 meeting.

“CARRIED”

Next Meeting

The next meeting of the Committee of Adjustment is scheduled for Wednesday, September 6, 2017.

Adjournment

The meeting was adjourned at 6:46 p.m.

(Sgd.) Mauro DiCarlo, Chair

(Sgd.) Jennifer Sawatzky, Secretary-Treasurer